

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

COUNTY OF SANTA CLARA,
et al.,

Plaintiffs,

v.

TEVIS IGNACIO,

Defendant.

No. CV 12-2673

**ORDER REMANDING ACTION TO
SANTA CLARA COUNTY SUPERIOR
COURT**


On May 24, 2012, defendant Tevis Ignacio removed to this Court a domestic relations action originally filed in Santa Clara County Superior Court. Dkt. 1. Attached to the “Removal Complaint” is a notice from the Santa Clara County Department of Child Support, informing Ignacio that he must attend court in a matter related to Court Case Number 19-FL-071025. Ignacio has previously attempted to remove the same state court matter. *See Connie Mardesich v. Tevis Ignacio*, Case No. 12-867 EJD, Dkt. 1. After issuing an order to show cause why the case should not be remanded, and finding Ignacio’s reply unresponsive, Judge Davila remanded the case to Santa Clara County Superior Court. *Id.*, Dkt. 15. Here, Ignacio states that he “again files another complaint under titled [sic] 28 USC § 1443 as he has been ordered to appear before the same State court . . . in which he repeatedly files this 1443 removal action in this USDC court.” Dkt. 1 at 1.

1 A defendant may not twice remove the same action where each removal is based on the same
2 grounds. *See Gross Mortg. Corp. v. Al-Mansur*, 2012 WL 3277082, *1 (N.D. Cal. Aug. 9, 2012)
3 (Rogers, J.) (*citing St. Paul & C. Ry. Co. v. McLean*, 108 U.S. 212 (1883)). In the latest removal,
4 defendant has provided no different, or any, grounds for federal jurisdiction. *See* CV 12-867, Dkt. 13;
5 CV 12-2673, Dkt. 1. This case is REMANDED to Santa Clara County Superior Court. The application
6 to proceed *in forma pauperis* is GRANTED. The Clerk shall close the file.

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8 Dkts. 2, 12, 13, 16, 18, 19, 24.

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10 **IT IS SO ORDERED.**

11 Dated: August 22, 2012

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SUSAN ILLSTON
14 United States District Judge
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